

THE SEWER BOARD OF THE CITY OF NEW ALBANY, INDIANA HELD A MEETING IN THE 3RD FLOOR ASSEMBLY ROOM OF THE CITY/COUNTY BUILDING, NEW ALBANY, INDIANA ON TUESDAY, AUGUST 8, 2007 AT 3:30 P.M.

PRESENT: Chairman Mayor James Garner, Vice Chairman Bill Utz, Kevin Zurschmiede, and Larry Kochert.

OTHERS: Attorney Greg Fifer, Tim Crawford, Brian Dixon and Rob Sartell, EMC, and City Clerk Marcey Wisman.

CALL TO ORDER:

Mayor Garner called the meeting to order at 3:31 p.m.

PLEDGE OF ALLEGIANCE:

APPROVAL OR CORRECTION OF THE FOLLOWING MINUTES:

Mr. Utz moved to accept the minutes of July 19th as amended, Mr. Kochert second, all voted in favor.

COMMUNICATIONS - PUBLIC:

Mr. John Moore stated that he had a leak in the water sprinkler system in early June and that his bill was approximately \$250 different than his normal bill.

Mayor Garner asked that he give his paperwork to Mrs. Dickey and that she would contact him with some questions and that they do adjustments on the second meeting of the month.

Mr. Fifer told Mr. Moore that the sewer billing office had the authority to make adjustments up to \$500 so he might not even have to come back.

Richard Scifers, asked where they stand on the back-up on Griffin Street. He stated that he had his plumber T.V. his line and it was clean.

Mr. Sartel stated that they went out last week and found that there is an 8" dip in the line that caused the grease to build up and left about a 2" clearance.

Gary Brinkworth, representing Pat Lilly, he stated that he needs credits for 22, 2 bedroom town houses. He was wondering if since they are moving forward with the Robert E. Lee line if they are in a position to give credits.

Wes Christmas stated that they are continuously showing a decrease in flow of about 780 gallons per minute but they have not had a capacity storm to judge.

Mr. Fifer stated that in regards to his request he is under the 15,500 credits and he does not believe that issuing these credits violates the MOU.

Mr. Utz asked what his construction schedule is.

Mr. Lilly stated that they are currently all under construction and some are even rented already. He stated that Georgetown is extending a line past his development that he will hook onto in order to get away from using a septic system.

Mr. Utz moved to approve the 6600 credits, Mr. Zurschmiede second, all voted in favor except Mr. Kochert who voted nay.

Mr. Fifer stated that he received a request from Ken Griffin, Georgetown Town Manager, to go before the County Plan Commission to testify to the history and status of the contract as they are seeking a rezoning plan and he agreed unless instructed

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otherwise. He explained that at the Council meeting last evening they adopted a Resolution that is going to require an attorney on the behalf of the Council to challenge the legality of the contract extension awarded to EMC. He stated that the Resolution that was drafted does not comply with Indiana State law and that all Resolutions are subject to approval/veto by the City executive pursuant to IC 36-4-6.14. He stated that the Mayor has vetoed this resolution and he read into record the reason for this veto. He explained that the veto could be over-ruled at the council meeting.

COMMUNICATIONS - CITY OFFICIALS

Mr. Wood presented the final Plat for the Purdue Research Park to be signed by the board.

Mr. Dixon stated that he went out yesterday because they had a bust in the design of the sewer system that they were putting in themselves because they did not take into consideration the drop manholes and in turn didn't figure the elevation properly and he is working with them to correct this problem. He stated that he has not heard back from them yet but that they will probably not be tying in where they had originally intended to. He explained that it may require that they get some easement from the property where they will end up tying in at but he will know more when he talks with them.

The Board signed the plat.

SEWER ADJUSTMENTS:

NEW BUSINESS:

Item #1 - Bernie Kaelin re: sewer adjustment on billing.

Mr. Kaelin was not present.

Item #2 - Nathan Timberlake with Timberlake's Plumbing re: 3rd Street Project

Mr. Timberlake reported that on 3rd Street the sewer collapsed and that there were people without service for several days. He explained all the work that he has done in this area and he wants to make sure that the three property owners pay their share. There is a 96 year old lady that stated that she could pay \$100 dollars a month and she wanted to know if that could go onto her taxes.

Mr. Dixon wanted it on the record that there was structural damage to the houses prior to the work that Mr. Timberlake performed.

Mr. Fifer stated that he doesn't see where we have any leverage in this situation. He suggested that Mr. Timberlake put a mechanics lien on the properties of the two individuals that he hasn't received payment from.

Mr. Timberlake stated that he has also done work on part of the City's main line and installed a man hole for the city.

Mr. Fifer stated that if he has itemized what he did on the City's line they can pay him for that work.

Item #3 - Roger Harbison re: sewer credit request for Copperfield Subdivision, Section 7

Mr. Harbison stated that they have been on the list for credits for many years and he is wondering if they can have 5890 credits for 19 lots.

Mayor Garner asked how long it would be before they would need to hook-up.

Mr. Harbison informed the board that the first house will not be ready to hook-up until this time next year.

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Mr. Kochert stated that he believes that if they are going to award these credits that will go onto the Robert E. Lee line that he cannot hook up until the line is done.

Wes Christmas explained that after looking over the monitoring reports for the lift station it is showing that there is a significant reduction in flow.

Mr. Fifer stated that he will prepare an agreement for him to sign with the capacity letter that he will not connect to the line until June 1 2008.

Mr. Utz moved to approve, Mr. Kochert second, all voted in favor.

Mr. Utz asked Mrs. Haley what happened with the IUS tap fee.

Mr. Fifer stated that they have a meeting with them on Monday. He explained that he got a call from the head architect and from what he understands that they were informed by the City that they would have no tap fee or that it was limited to \$12,000.

Mrs. Hailey stated that she hasn't spoke to them and she believes they are going by the policy from years ago where there was a limit on the tap fee.

Mr. Utz stated that it is not a legitimate reason to reduce tap fee just because the building is going to be vacant for part of the year. He explained that tap fees secure customer percentage of the total price volume which has to be based on maximum capacity.

Mr. Fifer stated that their fear is that the contractor will walk off the job and he informed them that the board is of limited discretion with what they can do but it might be reasonable to ask to reduce it by a third if the buildings are going to be unoccupied for several months out of the year. He stated that if that is still not enough of a reduction that this is an issue that is going to have to go back to the council in order for them to create and institutional rate or exemption. He invited other members from the board to go to the meeting with IUS with himself and the Mayor.

OLD BUSINESS:

Item #1 - Donohue re: Project Update

Paul Elling stated that at the last board meeting they had asked that the boundaries for the master plan include the Lafollette Line area and proposed annexation areas. He stated that his purpose tonight to determine if the heavy orange lined area is the area that they want included in the Master Plan. (See attached map) He stated that the only thing he would change would be to extend the orange line to abut the Deerwood CTA.

There was a lengthy discussion regarding the area to be included in the Master Plan and Mr. Elling went over the map in detail.

Mr. Elling reported on the 15th street project. He stated that the Geotech work is complete and that they will be receiving the report soon.

Mayor Garner stated that it includes Spring, Elm, Oak, Ekin, Culbertson, Shelby Place, and Beeler.

Mr. Fifer stated that either Mr. Elling or Geotech needs to get a hold of these plans and see what work is scheduled to be done so that they aren't doing the same work that was done before that will just perpetuate the problem. He suggested that they also get full evaluations of whatever line crosses that they have in this section so that they can rehabilitate those while the work is being done.

Mr. Dixon asked if the railroad should come before this board before they start any work on the 15th Street line since they do not have an easement.

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Mr. Fifer stated that according the 1872 ordinance they have a right to repair their line, but they are required to work with the City. He asked Paul to prepare a letter for the Mayor to sign and send to CSX.

Mr. Elling reported that he should have the geotechnical report by the end of the week. He asked Brian Dixon if he has heard from Pipe Eyes on the televising quote.

Mr. Dixon reported that it is a cost not to exceed a \$75,000. He recommended that they contact them to see what their schedule will be before we contract with them.

Mr. Fifer asked what schedule he would recommend.

Mr. Dixon stated that right now is ideal because they don't have infiltration problems in the area right now so as soon as they can get started they should.

Mr. Fifer suggested that the make a motion to approve Pipe Eyes doing the work contingent upon them being able to start the work within 30 days.

Mr. Kochert moved to approve, Mr. Utz second, all voted in favor.

Mr. Utz asked Mr. Elling if he had an answer as to whether or not they could speed up the completion of the Master Plan, and whether or not they were going to need to put in additional permanent flow meters.

Mr. Elling stated that he was afraid that they were going to need more than the 3 or 4 that they have.

Mr. Utz stated that they would need to purchase more and establish how many and where they need to go in at because a lot of the projects that have estimates need to verify the flow.

Mr. Fifer stated that at a minimum they need to put together the number and type of flow meters that they are going to need for the high growth demand areas and this can be broken into two or three pieces, but they are just trying to avoid operation in areas with incomplete information.

Mr. Elling stated that he would have a list at the next meeting. He explained that they also need to look into purchasing doppler and ultra Sonic to install at the lift stations.

Item #2 - Clark Dietz re: Project Update

Mr. Christmas presented a list of dates for the projects that are in the works which he reviewed with the board. He asked Mr. Fifer what is happening with the easements for Basin 35.

Mr. Fifer stated that in their packets there is a Uniform Easement Acquisition Offer and he would like for them to not do anything with this tonight but rather authorize him to use the alternate procedure under Indiana Law which is going through the Board of Works to expedite the easement process and the money is awarded based on the appraisals and a notice is sent of the award and if they want to fight it they have 30 days to do so. He stated that he will take this to the Board of Works next Tuesday.

Mr. Utz moved to follow the dates as Mr. Christmas proposed, Mr. Kochert second, all voted in favor.

Mr. Christmas asked about what is going on with the Basin 35 phase II project with regards to the developers.

Mr. Fifer stated that they did meet last week and they are still working on this issue, but he doesn't see why they can't move forward with the design work.

EMC REPORT:

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Mr. Sartell stated that he checked with Delco on the cube relays and they will replace at no charge. He stated that the Float system will be in by the end of the week. He reported that when they emptied the clarifier for cleaning the paint came off and they are going to get someone out there to finish the job in the next week.

Mr. Dixon reported that the Lewis Street project is out for bid. He stated that the Stormwater board would be willing to pay \$18,000 for the red truck to pull the Vac, and he asked if they wanted him to pursue this offer or look for a new truck.

Mr. Fifer stated that he should look for something he thinks would work and he should get with the Stormwater board at their next meeting and then come back to them.

BIDS:

Robert E. Lee Lift Station, estimated at \$880,000.00:

Hall Contracting	\$1,048,000
Team Contracting	\$1,026,000
MAC Construction	\$983,200.00

Mr. Christmas stated that he would review the bids and bring his recommendation to the August 21 meeting. He explained that after they accept the bid they will have to receive an agreement.

CLAIMS:

Mr. Dixon presented the following claims in the total amount of \$90,142.00:

Donohue & Associates	Invoice #6	\$993.90
	Invoice #2	\$5,588.75
	Invoice #16	\$600.00
CDI	Invoice #41733	\$475.00
	Invoice #41873	\$8,075.00
	Invoice #41874	\$15,900.00
	Invoice #41875	\$340.00
	Invoice #41732	\$2,000.00
	Invoice #41886	\$1,955.00
	Invoice #41885	\$2,000.00
MET	Invoice #6890	\$3,433.00
K&E Environmental	Invoice #494	\$2,106.76
Cornell Harbison Excavating	Invoice #5849	\$7,585.96
	Invoice #5847	\$3,590.00
Maverick Insurance	permit prep	\$100.00
Ice Miller	legal service	\$20,600.00
E-Z Construction	Invoice #3082	\$3,225.00
Aqua Utility Services	Invoice #187284	\$11,450.00
Storm Water Utility		\$9.51
		\$114.12

Mr. Dixon also added two ads for the bids that were placed in the paper for the amount of \$39.67 apiece.

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Mr. Utz moved to approve, Mr. Zurschmiede second, all voted in favor.

Mr. Utz asked about South Audubon.

Mr. Fifer informed them that he has prepared agreements for the property owners to sign granting the city authority to enter the property and if the city would want to acquire an easement they would accept payment according to an assessment.

Mr. McCormick presented then June Wastewater Utility financial report. He stated that he has talked with Mrs. Garry about putting the sanitary fund into a sweep account.

Mr. Fifer stated that he would suggest that they have Mr. McCormick to shop for that sweep fund because he does not believe that Mrs. Garry would have time to do that.

Mr. Kochert moved to approve, Mr. Zurschmiede second, all voted in favor.

Mr. McCormick reviewed the financial report in detail.

ADJOURNMENT:

There being no further business before the Sewer Board, the meeting adjourned at 5:46

Respectfully submitted,

Mayor James Garner, Chairman

Marcey Wisman, City Clerk

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